

UNITED STATES JUDICIAL PANEL
on
MULTIDISTRICT LITIGATION

CHAIRMAN:
Judge John G. Heyburn II
United States District Court
Western District of Kentucky

MEMBERS:
Judge D. Lowell Jensen
United States District Court
Northern District of California

Judge J. Frederick Motz
United States District Court
District of Maryland

Judge Robert L. Miller, Jr.
United States District Court
Northern District of Indiana

Judge Kathryn H. Vratil
United States District Court
District of Kansas

Judge David R. Hansen
United States Court of Appeals
Eighth Circuit

Judge Anthony J. Scirica
United States Court of Appeals
Third Circuit

DIRECT REPLY TO:

Jeffery N. Lüthi
Clerk of the Panel
One Columbus Circle, NE
Thurgood Marshall Federal
Judiciary Building
Room G-255, North Lobby
Washington, D.C. 20002

Telephone: [202] 502-2800
Fax: [202] 502-2888
<http://www.jpml.uscourts.gov>

October 17, 2007

Sherri R. Carter, Clerk
G-8 U.S. Courthouse
312 North Spring Street
Los Angeles, CA 90012

Re: MDL No. 1816-- IN RE: Katz Interactive Call Processing Patent Litigation

Ronald A. Katz Technology Licensing, L.P. v. Comcast Corp., et al., D. Delaware, C.A. No. 1:07-361 *JJK*

Dear Ms. Carter:

I am enclosing a certified copy and one additional copy of a transfer order filed today by the Panel in the above-captioned matter. The order is directed to you for filing.

The Panel's governing statute, 28 U.S.C. §1407, requires that the transferee clerk "...transmit a certified copy of the Panel's order to transfer to the clerk of the district court from which the action is being transferred."

A list of involved counsel is attached.

Very truly,

Jeffery N. Lüthi
Clerk of the Panel

By *Dana R. Stewart*
Deputy Clerk

Enclosures/Attachment

cc: Transferee Judge: Judge Robert Gary Klausner
Transferor Judge: Judge Joseph J. Farnan, Jr.
Transferor Clerk: Peter T. Dalleo



OCT 17 2007

FILED
CLERK'S OFFICE

UNITED STATES JUDICIAL PANEL
on
MULTIDISTRICT LITIGATION

IN RE: KATZ INTERACTIVE CALL PROCESSING
PATENT LITIGATION

Ronald A. Katz Technology Licensing, L.P. v.)
Comcast Corp., et al., D. Delaware,)
C.A. No. 1:07-361)

MDL No. 1816

TRANSFER ORDER

Before the entire Panel*: The Comcast defendants¹ in this action move pursuant to Rule 7.4, R.P.J.P.M.L., 199 F.R.D. 425, 435-36 (2001), asking the Panel to partially vacate its order conditionally transferring license-related counterclaims in the action to the Central District of California for inclusion in MDL No. 1816. Plaintiff opposes the motion.

After considering all counsel's argument, we find that this action involves common questions of fact with actions in this litigation previously transferred to the Central District of California, and that transfer of all claims in this action to the Central District of California for inclusion in MDL No. 1816 will serve the convenience of the parties and witnesses and promote the just and efficient conduct of this litigation. We further find that transfer of this action is appropriate for reasons that we set out in our original order directing centralization in this docket. In that order, we held that the Central District of California was a proper Section 1407 forum for actions involving challenges to the validity and/or infringement of the "Katz" patents which relate to the integration of telephone systems with computer databases and/or live operator call centers to provide "interactive call processing" or "interactive voice response." *See In re Katz Interactive Call Processing Patent Litigation*, 481 F.Supp.2d 1353 (J.P.M.L. 2007).

Although the Comcast defendants do not oppose inclusion of the patent infringement claims or

* Judge Heyburn took no part in the disposition of this matter.

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Comcast Corp.; Comcast Cable Communications, LLC; Comcast of New Castle County, LLC; Comcast of Delmarva, Inc.; Comcast of Eastern Shore, LLC; Comcast of California II, LLC; Comcast of California/Colorado, LLC; Comcast of Arkansas/Florida/Louisiana/Minnesota/Mississippi/Tennessee, Inc.; Comcast of Colorado/Pennsylvania/West Virginia, LLC; Comcast of Florida/Illinois/Michigan, Inc.; Comcast of Garden State, L.P.; and Comcast of Houston, LLC.

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related counterclaims in MDL No. 1816 proceedings, they ask that the Panel separate and simultaneously remand their license enforcement counterclaims to the District of Delaware. We decline to do so, because the license-related counterclaims appear to be intertwined with affirmative defenses of non-infringement. It may be, on further refinement of the issues and close scrutiny by the transferee judge, that license-related or other claims can be remanded to the transferor district in advance of other claims. But we are unwilling, on the basis of the record before us, to make such a determination at this time. Should the transferee judge deem remand of any claim(s) appropriate, procedures are available whereby this may be accomplished with a minimum of delay. *See* Rule 7.6, 192 F.R.D. at 470-72.

IT IS THEREFORE ORDERED that, pursuant to 28 U.S.C. § 1407, this action is transferred to the Central District of California and, with the consent of that court, assigned to the Honorable R. Gary Klausner, for inclusion in the coordinated or consolidated pretrial proceedings occurring there in this docket.

PANEL ON MULTIDISTRICT LITIGATION



D. Lowell Jensen
Acting Chairman

John G. Heyburn II, Chairman*
Robert L. Miller, Jr.
David R. Hansen

J. Frederick Motz
Kathryn H. Vratil
Anthony J. Scirica

**IN RE: KATZ INTERACTIVE CALL PROCESSING
PATENT LITIGATION**

MDL No. 1816

INVOLVED COUNSEL LIST

Richard L. Horwitz
Potter Anderson & Corroon, LLP
Hercules Plaza, 6th Floor
1313 North Market Street
P.O. Box 951
Wilmington, DE 19899-0951

Matthew B. Lehr
Davis, Polk & Wardwell
1600 El Camino Real
Menlo Park, CA 94025

Michael K. Plimack
Heller Ehrman, LLP
333 Bush Street
San Francisco, CA 94104-2878

Raymond N. Scott, Jr.
Fish & Richardson, P.C.
919 N. Market St.
Suite 1000
P.O. Box 1114
Wilmington, DE 19801

John M. Seaman
Bouchard, Margules & Friedlander, P.A.
222 Delaware Avenue
Suite 1400
Wilmington, DE 19801

Jill Zimmerman
Davis, Polk & Wardwell
1600 El Camino Real
Menlo Park, CA 94025-4121

JUDICIAL PANEL ON MULTIDISTRICT LITIGATION

Thurgood Marshall Federal Judiciary Building
One Columbus Circle, N.E.
Room G-255, North Lobby
Washington, DC 20002-8904

OFFICIAL BUSINESS

Peter T. Dalico, Clerk
J. Caleb Boggs Federal Bldg.
Lockbox 18
844 North King Street
Wilmington, DE 19801-3570



Hasler

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